UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,741	11/04/1999	YUKIO MURATA	35.G2492	2920

5514 7590 10/02/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
WORKU, NEGUSSIE	

ART UNIT	PAPER NUMBER
2624	3

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/433,741	Applicant(s) MURATA, YUKIO	
	Examiner Negussie Worku	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

Negussie Worku 9/28/02

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> > (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28, are rejected under 35 U.S.C. 102(b) as being anticipated by (USP 5,805,312)

With respect to claim 1, Ozawa et al. discloses a document scanning device (as shown 1 and 2), comprising: scanning means (211 of fig 1) for scanning an image on a document (2 of fig 1), see (col.8, lines 5-6); generating means (processor 221 of fig 1, or 2), for generating image data based on the scanned image (2 of fig 1); transfer means *(read control 201 of fig 2 or 3, which includes image signal transfer control 2213 of fig 2)* for transferring the image data from said scanning means (215 of fig 2), see (col.8, lines 10-15); selection means (selection signal 2160 of fig 3), for selecting a transfer mode for transferring the image data by said transfer means (2213 of fig 3), see (col.8, lines 8-15); and control means (201 of fig 1) for controlling a scanning

operation of said scanning means (211 of fig 1) in accordance with the transfer mode selected by said selection means (2160 of fig 3).

With respect to claim 2, Ozawa et al. discloses the document scanning device (211 of fig 1) wherein said control means (mode control 401 of fig 1, controls the speed of scanner) controls the scanning speed of said scanning means, see (col.8, lines 20-25).

With respect to claim 3, Ozawa et al. discloses the document scanning device (211 of fig 1) further comprising an interface (data bus or system bus 102 of fig 1) for establishing a connection to an image processing apparatus, (221 of fig 1) wherein said transfer means (read control 201 of fig 1) transfers the image data to said image processing apparatus (221 of fig 1) via said interface (data bus 102 as an interface).

With respect to claim 4, Ozawa et al. disclose the document scanning device (211 of fig 1) wherein said selection means (mode control 401 of fig 1, in connection with switch 411 of fig 1, select the transfer mode), selects the transfer mode in accordance with parameters of said interface.

With respect to claim 5, Ozawa et al. discloses the document scanning device (211 of fig 1) wherein said selection means (411 of fig 1) selects the transfer mode, based on an instruction from said image processing apparatus (221 of fig 1) via said interface (102 of fig 1).

With respect to claim 6, Ozawa et al. discloses an image processing apparatus (as shown in fig 1 and 2) comprising: input means (211 of fig 1) for inputting image (2 of fig 1) data; transfer means *(read control 201 of fig 2 or 3, which includes image signal transfer control 2213 of fig 2)* transfer for transferring the image data input by said input means (211 of fig 1); determination means (2212 of fig 3) for determining whether the image data input by said input means (211 of fig 1) are binary data per pixel or multilevel data per pixel, see (col.8, lines 10-12); and control means (201 of fig 2) for controlling a transfer path for the image by said transfer means in accordance with a determination result by said determination means (2212 of fig 3).

With respect to claim 7, Ozawa et al. discloses the image processing apparatus (as shown in fig and 2) wherein said input means(211 of fig 1) inputs the image data obtained by scanning an image on a document (2 of fig 1).

With respect to claim 8, Ozawa et al. discloses the image processing apparatus (as shown in fig 1 and 2) further comprising an interface (system bus 102 of fig 1) for establishing connection to another image processing apparatus, (221 of fig 1) wherein said transfer means (201 of fig 2) transfers the image data to the other apparatus via said interface (system bus 102 of fig 2).

With respect to claim 9, Ozawa et al. discloses the image processing apparatus (as shown in fig 1 and 2) wherein said control means (101 of fig 1) selects the transfer path in accordance with parameters of said interface (system bus 102 of fig 1).

With respect to claim 10, Ozawa et al. discloses the image processing apparatus (as shown in fig 1 and 2), wherein said determination means (2212 of fig 3) determines, based on an instruction received from said another image processing apparatus received via said interface (system bus 102 of fig 1), whether the image data input by said input means (211 of fig 1) are binary data per pixel or multilevel data per pixel.

With respect to claim 11, Ozawa et al. discloses a document scanning device (as shown in fig 1 and 2) comprising: a scanner (211 of fig 1) which scans an image on a document (2 of fig 1) and generates image data based on the image (217 of fig 2, generate the image based on the document 2 of fig 1); a transmitter (controller 101)

which transmits the image data from said scanner (211 of fig 2); a selector (switch 411 of fig 1) which selects a transmission speed for transmitting the image data by said transmitter; and a controller (201 of fig 1) which controls a scanning operation of said scanner (211 of fig 1) in accordance with the transmission speed selected (speed switch 411 of fig 1) by said selector (411 of fig 1).

With respect to claim 12, Ozawa et al. discloses the document scanning device (as shown in fig 1 and 2) wherein said controller means (mode control 401 of fig 1) controls a scanning speed of said scanner (211 of fig 1).

With respect to claim 13, Ozawa et al. discloses the document scanning device (as shown in fig 1 and fig 2), further comprising an interface (system bus 102 of fig 1) for establishing a connection to an image processing apparatus, (221 of fig 1) wherein said transmitter transmits the image data to said image processing apparatus via said interface (system bus 102 of fig 1).

With respect to claim 14, Ozawa et al. discloses the document scanning device (as shown in fig 1 and 2), wherein said selector means (411 of fig 1) selects the transfer mode in accordance with parameters of said interface (system bus 102 of fig 1).

With respect to claim 15, Ozawa et al discloses the document scanning device (as shown in fig 1 and 2), wherein said selector means (411 of fig 1) selects the transfer mode, (mode 401 of fig 1) based on an instruction received from said image processing apparatus via said interface (102 of fig 1).

With respect to claim 16, Ozawa et al. discloses an image processing apparatus (as shown in fig 1 and 2) comprising: a scanning which scans an image on a document (scanner 211 of fig 1, scan document 2 of fig 1); and generates image data based on the image (read controller 201 generate image data based on the scanned image 2 of fig 1); a transmitter (read control 201 of fig 3) which transmits the image data from said scanner (211 of fig 2); a detector (detector 214 of fig 4) which detects whether the image data obtained from said scanner are binary data per pixel or multilevel data per pixel, see (col.8, lines 20-25); and a controller (101 of fig 1) which controls a transfer path for the image data by said transmitter (system bus 102 of fig 1) in accordance with a detection result by said detector.

With respect to claim 17, Ozawa et al. the image processing apparatus (221 of fig 1) wherein said controller (mode controller 401 of fig 1 in connection with speed switch) controls a scanning speed of said scanner, (211 of fig 1).

With respect to claim 18, Ozawa et al. the image processing apparatus (221 of fig 1) further comprising an interface (102 of fig 1) for establishing a connection to an image processing apparatus,(221 of fig 1) wherein said transmitter transmits the image data to said image processing apparatus via said interface (system bus 102 of fig 1).

With respect to claim 19, Ozawa et al. the image processing apparatus (221 of fig 1), wherein said controller(mode selector 401 of fig 1, in connection with 411 of fig 1) selects the transfer mode in accordance with parameters of said interface (system bus (102 of fig 1).

With respect to claim 20, Ozawa et al. the image processing apparatus (221 of fig 1) wherein said controller (mode controller 401 of fig 1) selects the transfer mode, based on an instruction received from said image processing apparatus (221 of fig 1) via said interface 9102 of fig 1).

With respect to claim 21, Ozawa et al. a control method for a scanner (211 of fig) comprising the steps of scanning an image on a document (2 of fig 1); and generating image data based on the scanned image (read 211 of fig 1 generates the image); transferring the image data obtained in the generating step (read control 201 transfer the image); selecting a transfer mode (mode controller 401 of fig 1, in connection with

speed switch 411 of fig 1) for transferring the image data in the transferring step; and controlling the scanning operation (101 of fig 1, controls the overall operation of the device) performed in the scanning step in accordance with the transfer mode selected in the selecting step.

With respect to claim 22, Ozawa et al. the control method wherein said controlling step controls a scanning speed of said scanning means, (mode control 401 of fig 1, in connection with speed switch 441 of fig 1, control the scanning speed of the scanner 211 of fig 1).

With respect to claim 23, Ozawa et al. the control method further comprising an interfacing (system bus 102 of fig 1) step for establishing a connection to an image processing apparatus, (221 of fig 1) wherein said transferring step transfers the image data to said image processing apparatus during said interfacing step.

With respect to claim 24, Ozawa et al. discloses the control method wherein said selecting step selects (switch 411 of fig 1) the transfer mode in accordance with parameters of said interfacing step.

With respect to claim 25, Ozawa et al. discloses control method for an image processing apparatus, (221 of fig 1) comprising the steps of: inputting image data (211 of fig 1 for inputting image data); transferring the image data input in the inputting step (read control 201 for transferring the image data); determining (214 of fig 4) whether the image data input in the inputting step are binary data per pixel or multilevel data per pixel and controlling (read control 201 of fig 2) a transfer path for the image data in the transferring step in accordance with a determination result in the determining step.

With respect to claim 26, Ozawa et al. discloses the control method wherein said controlling step controls an inputting speed of said inputting step, (mode control 401 of fig 1, control the inputting speed "scanner speed" in connection with speed switch unit 411 of fig 1).

With respect to claim 27, Ozawa et al. discloses the control method (as shown in fig 1 and 2) further comprising an interfacing step for establishing a connection to an image processing apparatus, (controller 101 of fig 1, with interface 102 of fig 1, establish a connection to an image processing, (221 of fig 1) wherein said transferring step transfers the image data to said image processing apparatus during said interfacing step.

With respect to claim 28, Ozawa et al. discloses the control method (as shown in fig 1 and 2), wherein said controlling step selects the transfer mode in accordance with parameters of said interfacing step, see (col.15, lines 25-30).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> > (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 29-36, are rejected under 35 U.S.C. 102(e) as being anticipated by Tsujimoto (USP 6307974).

With respect to claim 29, Tsujimoto a computer (host computer 12 of fig 1) readable program (114 of fig), for controlling a scanner, (image processing device 101 or scanner 105 of fig 1), see (col.6, 38-42), said computer-readable program (114 of fig 2) stored in a storage medium (103 of fig 1) said computer-readable program (application program 114 of fig 1) comprising the steps of scanning an image on a document, see (col.8, lines 32-38); generating image data based on the scanned image (scanner unit [CCD]; 105 of fig 1) transferring the image data obtained in the

generating step, see (fig 2); selecting a transfer mode for transferring the image data in the transferring step, (selecting the transfer mode is performed by client software 114 of fig 1, see col.6, lines 35-40) ; and controlling the scanning operation (scanning operation is controlled by CPU 102 of fig 1, see col.6, lines 17-20), performed in the scanning step in accordance with the transfer mode selected in the selecting step, (see also col.8, lines 33-38).

With respect to claim 30, Tsujimoto discloses the computer (host computer 112 of fig 1, readable program (application program 114 of fig 1), wherein said controlling step controls an inputting speed of said inputting step, see (step 801 of fig 8. setting moving speed of scanner, see col.7, line 40).

With respect to claim 31, Tsujimoto discloses the computer-readable program (114 of fig 1), further comprising an interface step for establishing a connection to an image processing apparatus, (101 of fig 1) wherein said transferring step transfers (through USB interface cable data is being transferred between host PC and image processing unit 101 of fig 1) the image data to said image processing apparatus during said interfacing step, see (col.6, lines 35-40).

With respect to claim 32, Tsujimoto discloses the computer-readable program (114 of fig 1), wherein said controlling step selects a transfer mode in accordance with parameters (pre-scanning low resolution main scanning high resolution, see col.7, lines 30-40) of said interfacing step, see (col.7, lines 35-40).

With respect to claim 33, Tsujimoto discloses a computer-readable program (114 of fig 1) for controlling a scanner, (105 of fig 1) said computer-readable program stored in a medium, (103 of fig 1) said computer-readable program (application program 114 of fig 1) comprising the steps of: inputting image data (scanner 105 of fig 1, for inputting data); transferring the image data input in the inputting step, (USB interface cable 111 of fig 1, for transferrin data between 101 and 112 of fig 1); determining (a circuit 402 of fig 4, determine the input signal) whether the image data input in the inputting step are binary data per pixel or multilevel data per pixel, see (col.7, line 55-60); and controlling a transfer path (USB host control unit 113 of fig 1) for the image data in the transferring step in accordance with a determination result obtained in the determining step, see (col.6, line 35-40)

With respect to claim 34, Tsujimoto disclose the computer-readable program (application program 114 of fig 1), wherein said controlling step controls an inputting speed of said inputting step, see (setting scanning speed of the scanner step 801 of fig 8).

With respect to claim 35, Tsujimoto discloses the computer-readable program (application program 114 of fig 1), further comprising an interfacing step for establishing a connection to an image processing apparatus, (USB interfacing cable 111 of fig 1, for connection of image processor 101 and host 112 of 1) wherein said

transferring step transfers the image data to said image processing apparatus during said interfacing step, see (col.8, lines 33-40).

With respect to claim 36, Tsujimoto discloses the computer-readable program (application program 114 of fig 1), wherein said controlling step selects a transfer mode in accordance with parameters of said interfacing step, see (col.8, lines 33 -40).

5. Any inquiry concerning this communication or earlier communication from Examiner should be directed to whose telephone number is (703) 305 5441. The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Moore, can be reached on (703) 308-7452.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Negussie Worku
091 281 02

JEROME GRANT II
PRIMARY EXAMINER